

**Christine Joyce**

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**From:** Christine Joyce  
**Sent:** Friday, October 02, 2009 3:19 PM  
**To:** Lauren Rosenzweig; Paulina Knibbe (comcast)  
**Cc:** Steve Ledoux  
**Subject:** FW: Board of Appeals 40B Comp Permits for 113 Central Street, Richardson Crossing LLC, and Marsh View LLC, 93 Central Street

I will assemble the minutes of Jan 28, 2008 and August 24, 2009 when Lauren was not supported. Kristin is scanning in changes made from meetings with staff it will be in extra Info. Below please find the e-mail I sent regarding this process. I will scan them in for the Board

-----Original Message-----

**From:** Christine Joyce  
**Sent:** Monday, August 10, 2009 11:54 AM  
**To:** Board of Selectmen; Manager Department  
**Cc:** Scott Mutch; Cheryl Frazier  
**Subject:** Board of Appeals 40B Comp Permits for 113 Central Street, Richardson Crossing LLC, and Marsh View LLC, 93 Central Street

I have the two notebooks for the above mentioned LIP's in my office if you wish to review them. Comments are to be sent to the ZBA no later than August 26th.

#### **40B MARSH VIEW, RICHARDSON CROSSING, REQUEST FOR BOARD LETTERS TO BOARD OF APPEALS**

Peter noted that this application goes to the BOA and they have a hearing on Sept. 18<sup>th</sup>. We have been asked to submit a letter to BOA in support the project. Board members expressed that they had not read the materials or seen the plans. Lauren said she had looked at the plans in the Building Department.

Lauren encouraged them to come through the Local LIP process in the future, and asked that the neighbors be shielded from impacts that might come from the new development. TERRA FRIEDRICHS – Moved to have them go to Design Board. No second, motion failed.

LAUREN ROSENZWEIG - Move to send letter to BOA that they take into consideration the neighborhood and that the back of the houses are screened from the street and maintain as many trees on the site, and that they address concerns as noted. 3-2 motion fails we will not write letter

#### **SPENCER TUTTLE FLINT WASTEWATER TASK FORCE**

Paulina noted she wanted to have it read differently to emphasize that they are addressing wastewater, and solutions to protect the environment regarding wastewater. Lauren said that they are trying to get a way from the term Wastewater and the DEP is stressing that they want the emphasis to be on protecting our water resources. Lauren is comfortable as it stands.

PETER BERRY – Moved to accept charge as noted with Change to “Wastewater” rather than Water Resources in the name of the Committee. TERRA FRIEDRICHS – second.

UNANIMOUS VOTE

#### **OTHER BUSINESS**

None

#### **CONSENT**

Terra held #15 minutes, felt that the meeting on July 27<sup>th</sup> had not started on time and she said it was an illegal meeting until it is called to order. Paulina said the minutes reflect her concerns of the meeting. The minutes were changed to state she objected to the start of the meeting. Her objection is noted and we need to vote on the minutes of the July 27, and tonight's minutes will again reflect her concern about those minutes.

Terra wanted it noted that Mr. Ingram, a member of the audience was not allowed to speak.

LAUREN ROSENZWEIG – Moved to approve the Agenda items 16-24 PETER BERRY– second UNANIMOUS VOTE. The minutes of July 27<sup>th</sup> number 15 were voted. – 4-1 Terra No

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Peter said that it was required on the plan as a potential fire lane. Dore' said the ramp would be put in. Dore' said that too much time is being spent on this and now there is a need for a meeting again about this with all the parties.

Lauren said that fencing that was put in is attractive and the buildings have been upgraded she felt that the Board should look at the site and get together with the Fire Chief and to keep the reserve on the connection. She wants to know why the building would have to be destroyed for construction of a ramp for safety. Paulina said she would like to see the site and she gives a great deal of weight to the Fire Chief's opinion.

Leo said that the Fire Chief wants the Ramp. And he wants to have site plan amendment and have the licenses for both and have it as two properties so the ramp would not be required.

Dore' felt we could release the Bond, we have a site plan amendment request, and the Board would like to make a site visit before addressing this. We need to extend the license for a month to February 28<sup>th</sup>. We need to put it back on the agenda. Dore' said that we must have a requirement that the applicant make a clear request in writing of what he wants from the Board,

LAUREN ROSENZWEIG – Moved to release the \$5,000 Bond and to further require the applicant to present to the Board a written request of what he is asking the Board to do. And to extend the license to February 28<sup>th</sup> PETER BERRY –second. UNANIMOUS VOTE

#### **MAIN STREET (Route 27) AND HAYWARD ROAD TRAFFIC IMPROVEMENT STUDY**

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Dore' noted that we are not getting the main presentation due to the absence of the consultant.

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Bill Mullin handed out a memo from TANS and read it to the Board. The Traffic Light was not needed according to the consultant.

The Board discussed the various suggestions made by the consultant.

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Bruce Stamski said the cost will be Phase 1 \$150,000 Brook Street in the range of \$60,000 and another \$20,000 for side walks. The impact of the changes doesn't have an impact on the corridor. Lauren asked if the \$150,000 was construction only. Paulina asked about reconfiguration of Brook Street and asked if the design was included in the \$80,000.

Brian Bendig commented on the issue. He does not want a roundabout in Acton Center. Mr. Peterson said that the grade improvement at Brook Street be funded. He said we need to do something at Concord and Newtown.

#### **RICHARDSON'S CROSSING LLC, 113 CENTRAL STREET, MARSH VIEW, LLC, 93 CENTRAL STREET, 40B REQUEST FOR COMMENT**

Jim D'Agostine presented the plan of the proposed 40B's. They plan on building four capes on each site. Andy asked about wet land issues on the Richardson's crossing and there is no water on the other site. Lauren asked about sidewalks on Central Street. Andy noted we get two units out of this plan.

Christine Joyce

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8/24/09 (13)

To: Christine Joyce  
Subject: FW: Central St. comments to ZBA 8-09.doc

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-----Original Message-----

From: Nancy Tavernier [mailto:ntavern@comcast.net]  
Sent: Thursday, August 20, 2009 10:42 AM  
To: Christine Joyce  
Subject: RE: Central St. comments to ZBA 8-09.doc

You have already seen it back in Jan. 2008, it is being heard by the  
ZBA on Sept. 14. The BOS needs to submit comments to the ZBA by August 24 ;-)

## **Acton Community Housing Corporation**

**Nancy Tavernier, Chairman**

### **TOWN OF ACTON**

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TO: Zoning Board of Appeals  
FROM: Nancy Tavernier, Chair  
SUBJECT: Marsh View LLC and Richardson Crossing LLC  
DATE: August 20, 2009

ACHC offers the following comments on the two comprehensive permit applications submitted by developers Stephan Marsh and James D'Agostine, III for 93 and 113 Central Street. Both of these proposals are similar in design, lot size, unit count, and pricing. The proposals are to construct 4 single family, 3-BR homes with 2600 square feet of living space, 2.5 bathrooms, basement, and a 2 car garage on each site. Each development is on approximately one acre of land. Each development will include one affordable home selling at \$170,000 and three market homes, proposed to sell at \$629,000. These comments are intended to address both applications, though they will be heard separately.

On August 13, ACHC discussed the proposed projects with the developers and six interested nearby neighbors and abutters in a productive session that aired concerns to be addressed by the developers. Because these projects are in the MassHousing program and not DHCD LIP "Friendly 40B" projects, there was less opportunity for ACHC to drive the process from the first time the concept was discussed with us in 2006 to the last time in 2007.

In the case of MassHousing projects, the Monitoring Agent role is assigned to MassHousing and they will delegate a separate entity to monitor the development, it will not be ACHC or the Town. ACHC would like to be included in the loop during the affirmative marketing and outreach period because we have resources such as mailing lists of interested buyers and special outreach suggestions for town and school employees and the Acton Housing Authority. ACHC requests that special wording in the ZBA decision be written to allow ACHC to review the marketing materials prior to final approval to the extent allowed by the Project Administrator (MassHousing). Neither ACHC nor the Town has a role in the post development auditing process, which will be the responsibility of MassHousing.

Due to new more stringent condo mortgage lending rules, the developers have proposed a fee simple ownership arrangement to alleviate the constraints on mortgage approvals. A fee simple ownership shifts the responsibility for many functions that are normally done by the condo association to each individual homeowner, some at considerable cost. ACHC understand the rationale for this change in ownership but would like to be assured that full disclosure of these extra expenses and estimated costs be included in the marketing material for the affordable units so that potential buyers can measure their ability to cover ALL homeowner expenses in the future and not just the standard ones of mortgage, taxes, insurance, and homeowner association fees. It is our understanding the developer will fund the required septic maintenance reserve payment for each affordable unit.

Concerns from the neighboring property owners focused on the landscaping issues of clear cutting and buffering between properties. ACHC understands the need to remove trees in order to build but also expects that new landscaping will provide restoration of a reasonable degree of lost vegetation with new healthy growth to shield the properties from the street, from the neighboring properties, and to some extent, from each unit on the site. The developers have promised to work with the abutters to address their concerns and find mutually acceptable solutions for buffering.

With a less than 1 mile proximity to the commuter rail, this location meets the Smart Growth criteria of offering transportation choice. The parcels are also not in a traditional subdivision neighborhood but rather are located on a busy feeder road. The parcel at 113 Central St. is adjacent to a major apartment complex and across the street from several duplex units so this density is not inconsistent with the neighboring properties. While this is not in the preferred growth area laid out in the Comprehensive Permit Policy endorsed by the Board of Selectmen and the Planning Board, the Town Planner performed a Project Evaluation Summary exercise in January 2008 to evaluate this project using criteria in the Comp Permit policy. The Planner concluded: *This project seems to fit without much needed justification into the existing neighborhood due to its small scale, moderate density, and single-family style. This sort of 40B project is one good model that the Town might embrace for certification maintenance purposes should it ever succeed in reaching or exceeding the 10% threshold.*

Acton's affordable housing count is currently at 6.7%. We continue to have a local need for more affordable housing but do not want to lose sight of the need for a diversity of housing types, sizes and prices. In the past decade, 40B developments in Acton have been attached townhouses, duplexes, or large multi-family buildings. We find it refreshing to see a design of single family homes that gives homeowners more control of their space so they can create gardens, private play and sitting areas on their lot. ACHC is pleased with the small scale nature of the project.

The ACHC recommends approval of Marsh View and Richardson Crossing as proposed.